

HOUSE BILL 3191
By Garrett

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6, Part 1 and Title 50, Chapter 6, Part 2, relative to workers' compensation coverage.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-110(c)(1), is amended by deleting the second sentence of this subdivision in its entirety and by substituting instead the following language:

This presumption may only be rebutted by a showing of clear and convincing evidence that such drug or alcohol was not the proximate cause of injury.

SECTION 2. Tennessee Code Annotated, Section 50-6-116, is amended by designating the current language as subsection (a) and by adding the following language as a new subsection to be designated as subsection (b):

The liberal construction in favor of the employee shall apply only when the court is making a determination of the compensability of the workers' compensation claim and there shall be no liberal construction given by the courts when deciding any other issue in the lawsuit.

SECTION 3. Tennessee Code Annotated, Section 50-6-226(a)(1), is amended by designating the current language as subdivision (A) and by adding the following as two new subdivisions, to be designated as follows:

(B) In addition to the limitations imposed by subdivision (A), the fees of attorneys representing employees shall also be limited to no more than twenty percent (20%) of the difference between a good faith offer made by an employer or the insurance company and the final award. The offer must be certified as a good faith offer by a workers' compensation specialist.

(C) The fees of attorneys for services to employers under the Workers' Compensation Law shall be limited to a maximum of twelve thousand dollars (\$12,000).
A fee for representing an employer shall not be dependent upon the result achieved.

SECTION 4. Tennessee Code Annotated, Section 50-6-241, is amended by deleting the language "§ 50-6-207(3)(A)(i) and (F)" and by substituting instead the language "§ 50-6-207(3)(A) and (F)".

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it